

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW MEXICO
Clerk's Minutes
Before the Honorable Judith C. Herrera**

Case Name: USA v. Jarvis, et al. Case No. CR 05-1849 JH

Date: March 27, 2008

Courtroom Clerk: Lincoln Sorrell

Court Reporter: Paul Baca

Court in Session: 1:40 p.m.

Court in Recess: **2:02 p.m.**

Total Court Time: 22 minutes

Type of Proceeding: Status Conference

Attorney(s) Present for Plaintiff(s):

Attorney(s) Present for Defendant(s):

James Braun
Steve Kotz

Gary Mitchell (for D. Jarvis present)
Jody Neal-Post (for D. Jarvis present)
Robert Gorence (for Wilson present)
Victor Sizemore (for Bill Jones present)
Rachel Higgins, Walter Nash II (by phone) for D.
Reid (not present; waived)
Paul Lintenberger standing in for Billy Blackburn
(for Greg Hill--not present; waived)

Court in Session: **1:40 p.m. Court in session.**

- 1:50 p.m.** Mr. Braun addresses the Court; does not believe trial court has been divested of jurisdiction; not an appealable issue

Mr. Gorence: Circuit needs to rule on motion to dismiss appeal; threshold jurisdictional issue. Ruling from Circuit would be fairly quick.
- 1:52 p.m.** Mr. Nash: agrees with Mr. Gorence.
- 1:53 p.m.** Government replies; if Circuit hears merits briefing, appeal could take much longer.
- 1:53 p.m.** Court: Orders briefing on whether this is an appealable issue. Friday, April 18, 2008 is deadline for Government to file brief; defense has until May 2, 2008 to file response.
- 1:55 p.m.** Mr. Mitchell: what if Circuit decides it's appealable and trial court does not. Court order on briefing stands.
- 1:56 p.m.** Mr. Braun: most discovery has been turned over.
- 1:58 p.m.** Court to Mitchell re: Motion to Reconsider. Mitchell: divested of jurisdiction
- 2:00 p.m.** Court makes inquiry as to whether defense is continuing to get discovery; Neil-Post: all wiretaps have been transcribed.

2:00 p.m. Mr. Sizemore notifies Ct. that he will file a Motion for Conditions of Release on behalf of his client Mr. Jones. No opposition from Probation & Govt. takes no position at this time.

2:02 p.m. Ct. in recess.